

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

LUIS GARCIA, :
Plaintiff : Civ. No. 21-5200 (RMB-EAP)
v. :
OFFICER JEFFREY ROBINSON, :
et al., :
Defendants :
:

MEMORANDUM OPINION

IT APPEARING THAT:

1. Pro Se Plaintiff Luis Garcia opened this matter on March 15, 2021, by filing a prisoner civil rights complaint. (Dkt. No. 1.)
2. On October 28, 2021, this Court granted Plaintiff's application to proceed *in forma pauperis* under 28 U.S.C. § 1915(a), and permitted his complaint to proceed against Defendant Jeffrey Robinson in his individual capacity. (Dkt. Nos. 6.)
3. On June 27, 2022, this Court directed Plaintiff to show cause why the complaint should not be dismissed under Federal Rule of Civil Procedure 4(m) because Plaintiff failed to timely serve process on Defendant Jeffrey Robinson. (Dkt. No. 8.) Plaintiff responded and was granted an extension of time to obtain service of process, but he was unable to locate the defendant for service of process. (Dkt. Nos. 9-14.)
4. On October 12, 2023, this Court directed Plaintiff to show cause, within 14

days, why this matter should not be dismissed under Federal Rule of Civil Procedure 4(m) for failing to timely serve Defendant Jeffrey Robinson. Plaintiff failed to respond.

5. Federal Rule of Civil Procedure 4(m) provides that

Time Limit for Service. If a defendant is not served within 90 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

6. Therefore, the complaint will be dismissed without prejudice.

An appropriate Order follows.

DATE: November 9, 2023

s/Renée Marie Bumb
RENÉE MARIE BUMB
Chief United States District Judge